

APPENDIX 2

Appendix 2 - State's Motion to Exclude

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RICHARD & WENDY DEVILLIER, et al.,
Plaintiffs,

v.

THE STATE OF TEXAS,
Defendant.

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Civil Action No. 3:20-cv-00223

Jury Trial Demanded

PLAINTIFFS' RULE 26(a)(2) EXPERT DISCLOSURES

The undersigned plaintiffs by and through their counsel of record, hereby furnish the following information pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure.

Rule 26(a)(2)(B): The following witnesses are ones retained or specially employed to provide expert testimony in this case or one whose duties as the party's employee regularly involve giving expert testimony. A written report accompanies this disclosure for each.

1. James T. Archibald, MAI

Archibald Real Estate Consultants, Inc.
PO Box 218643
Houston, Texas 77218
Area of expertise: property appraisal and valuation

2. Warren Bluntzer

Warren Bluntzer Wildlife Consulting Services, Inc.
3090 County Road 1045
Lampasas, Texas 48109
Area of expertise: valuation of lost animals

3. Jack G. Cohen

2629 Townsgate Road, Suite 100
Westlake Village, CA 91361
Areas of expertise: real estate finance and secondary mortgage market

4. Timothy J. Lozos, CPE

DeFacto Consulting Group, Inc.
84 NE Loop 410, #219
San Antonio, Texas 78216
Area of expertise: property damage inspection, estimation of repair and remediation costs, assessment of depreciation for personal property losses

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5. Robert E. Philo

901 Driftwood Drive

McKinney, Texas 75071

Area of expertise: land title, title insurance, real estate transaction closings

6. Marlin Ray Perryman, Ph.D.

210 N Valley Mills Dr.

Suite 300

Waco, Texas 76710

Area of expertise: economics, interest rates, and compounding

7. Michael Slattery, Ph.D.

Department of Environmental Sciences, Texas Christian University

2600 W 7th Street, #2626

Fort Worth, Texas 76107

Area of expertise: geography, hydrology and hydraulics, retained rainfall pool modeling

Rule 26(a)(2)(C): The following witnesses, who are not required to provide a written report, are expected to present evidence under Federal Rule of Evidence 702, 703, or 705.

Richard Devillier, Steve & Rhonda Devillier (individually and on behalf of Gulf Coast Olive Investments, LLC, and Southeast Texas Olive, LLC), Laurence Barron, Randy & Monica Brazil, Charlie Carter, Rhonda Glanzer, Bruce & Tina Hinds, William Oliver, and Randy McCann (on behalf of Fesi Energy, LLC

Summary of the facts and opinions to which the witness is expected to testify: Each is expected to testify regarding the particulars of the losses they suffered when their property was flooded during Tropical Storms Harvey and Imelda and will provide their opinions on the value of those losses.

More information on the thousands of items at issue is contained in the discovery responses and documents produced by each defendant as well as the documentation of the facts they have provided to other experts in this case (also produced). The only exception being the losses suffered by Southeast Texas Olive, LLC which are not the subject of any written report provided since it owned no real property or depreciated personal property that flooded. The compensation sought by Southeast Texas Olive, LLC are captured on the documents GULF COAST & SE TEXAS000012 and RHONDA DEVILLIER0000216, 218.

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Dated: September 15, 2022

Respectfully submitted,

/s/ Daniel H. Charest

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on September 15, 2022, via e-mail to all counsel of record, pursuant to the Federal Rules of Civil Procedure.

/s/ Daniel H. Charest

Daniel H. Charest